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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eli Nhaissi

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EXAMINER

AKINTOLA, OLABODE

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/744,102	Applicant(s) NHAISSI ET AL.	
	Examiner OLABODE AKINTOLA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 131-134 and 180-202 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 131-134 and 180-202 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group III (claims 131-134) in the reply filed on 12/26/2007 is acknowledged.

Claims 131-134 and 180-202 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 131, 133, 134, 180-188, 192-196 and 201 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al (US 5819092).

Re claims 131: Ferguson teaches a method of Internet billing, comprising: connecting to an Internet via a cost server, accessing a plurality of Internet sites via said cost server, using an Internet interaction protocol, which access does not require additional actions beyond selecting a URL (Uniform Resource Locator) by a user; and generating a debit, which debit accumulates charges at a different rate for each accessed site (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

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Re claim 133: Ferguson teaches presenting an indication responsive to said debit to said user during said access (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 134: Ferguson teaches wherein the cost server is connected via the internet (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 180: Ferguson teaches wherein the cost server is credited by one of a pre-paid card, credit card or a bank account (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 181: Ferguson teaches wherein the debit is responsive to one of accessing a site, provided information, purchase of a product or a purchase of a service (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 182: Ferguson teaches wherein involuntary information is presented to the user responsive to connecting the cost server (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 183: Ferguson teaches wherein the cost server comprises a provider of one of a product or a service (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

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Re claim 184: Ferguson teaches wherein the cost server is integrated with a provider of one of a product or a service (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 185: Ferguson teaches wherein the cost server is associated with a provider of one of a product or a service (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 186: Ferguson teaches wherein the debit is generated in a plurality of discrete amount elements (see col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Re claim 187: Ferguson teaches wherein the cost server comprises a clearinghouse for at least one of converting or transferring funds (col. 29, lines 44-55).

Re claim 188: Ferguson teaches wherein the cost server transfers funds to electronic accounts (col. 29, lines 44-55).

Re claim 192: Ferguson teaches wherein the rate is at least one of flat rate, per use, rate per number of page accesses, rate per download count, rate per download bandwidth, rate per new page accessed, rate per time, rate per bandwidth or rate per data speed (col. 30, lines 20-58).

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Re claim 193: Ferguson teaches wherein the rate is based on at least one of the number of access times, access periodicity, access latency, time of day, connection bandwidth, connection difficulty, popularity of the accessed site, promotion paid for accessing the site, subsidy to the accessed site, consent to view advertisements, the size or screen area thereof or quality of service (col. 30, lines 20-58).

Re claim 194: Ferguson teaches wherein the rate is related to the user (col. 30, lines 20-58).

Re claim 195: Ferguson teaches wherein the account is credited with bonus points responsive to the user activity (col. 30, lines 60-67).

Re claim 196: Ferguson teaches wherein the user activity comprises at least one of supplying information, exposure to advertisement, responding to an advertisement, initiating an advertisement or initiating a questionnaire (col. 30, lines 60-67).

Re claim 201: Ferguson teaches wherein the account is a particular sub-account (col. 4, lines 33-62, col. 9, lines 12-20, col. 10, lines 1-11; col. 12, lines 14-23, col. 30, lines 20-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 132, 190, 191, 197, 198, 199 and 202 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Toader et al (US 5749075).

Re claims 132, 190, 191, 197, 198, 199 and 202: Ferguson does not explicitly teach the use of pre-paid Internet account, which account is debited using said debit; wherein the internet access quality is degraded responsive to a critical low debit level, wherein the quality comprises at least one of a access time, response time, memory allocation, graphic quality, features, services and number of advertisements; wherein the bonus points are limited to specific expenditure; wherein the expenditure is at least one of using a service, receiving a gift or responding to information; wherein the bonus points are used for at least one of an extra service, increased access functionality, increased quality of a service or increased amount of a service; and wherein presenting is responsive to a critical low debit level. Toader teaches the use of prepaid Internet account for accessing the Internet whereby the access time is degraded when the balance on the prepaid account is used up, wherein the bonus points are limited to specific expenditure, wherein

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a addition "free" or prepaid time is awarded for answering survey (abstract, col. 3, lines 48-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ferguson to include prepaid accounts for the obvious reason of limiting the access time to the balance in the prepaid account.

Claim 200 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Toader, and further in view of Entman et al (US 6292551).

Re claim 200: Ferguson and Toader do not explicitly teach wherein the account is credited responsive to the quality of service provided to the user. Entman teaches that crediting a user account responsive to the quality of service provided is old and well known (col. 1, lines 41-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ferguson in view of Toader to include this feature for the obvious reason of compensated the user for the quality of service provided.

Claim 189 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Cretzler (US 5644724).

Re claim 189: Ferguson does not explicitly teach transferring taxes to an official authority Cretzer teaches transferring taxes to an official authority (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ferguson to include this

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feature for the obvious reason of transferring collected transaction taxes to the appropriate authority.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691